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BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-626-C - ORDER NO. 90-1147
DECEMBER 3, 1990

IN RE: Application of Southern Bell Telephone) ORDER RULING
 and Telegraph Company to Avail Itself of) ON RETURN AND
 Incentive Regulation Intrastate Operations) OPPOSITION TO
) PETITION TO
) INTERVENE

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Return and Opposition to Petition to Intervene filed on behalf of Southern Bell Telephone and Telegraph Company (Southern Bell). Southern Bell requests that the Petition to Intervene filed by the South Carolina Cable Television Association (SCCTA) be denied and that the individual entities within the "association" be allowed to form a coalition and intervene of their own right if they choose to do so. In support of Southern Bell's Return it makes certain allegations.

Southern Bell alleges that since the SCCTA does not assert that it is a subscriber to any Southern Bell service in South Carolina or a subscriber to any services provided by Southern Bell in South Carolina, it is not a proper party in interest and may not, on behalf of its alleged "members", assert that interest. Additionally, Southern Bell alleges that the SCCTA is not an

association of the cable television subscribers, rather it is a corporation and a distinct legal entity. Since it is a distinct legal entity, it may not assert the rights of its members to be its own. Southern Bell alleges that the corporate entity of the SCCTA is not impacted by Southern Bell's filing and therefore it is not a proper party to these proceedings.

The Commission has considered the Return and Opposition to the the SCCTA's Petition to Intervene and has considered the Petition to Intervene filed by the SCCTA in light of R.103-836(3) of the Commission's Rules of Practice and Procedure. Rule 103-836 sets forth the allegations that must be contained in a Petition to Intervene in a formal proceeding before the Commission. Rule 103-836 requires that:

(a) The facts from which the nature of the petitioner's allege right or interest can be determined; (b) The grounds of the proposed intervention; (c) The position of the petitioner in the proceeding.

The SCCTA asserts in its Petition to Intervene that it is a non-profit corporation, organized and existing pursuant to the laws of the State of South Carolina and that it represents over one-hundred (100) franchised cable television systems operating within South Carolina. The SCCTA further asserts that it has a vital interest in the above-captioned proceeding in as much as many of its members are users of, and ratepayers for, telephone services provided by Southern Bell. The SCCTA asserts that since the Application filed by Southern Bell is devoid of detail, it is unable to state with any precision what positions it may take in

regard to the Application and reserves the right to take such positions as it deemed appropriate.

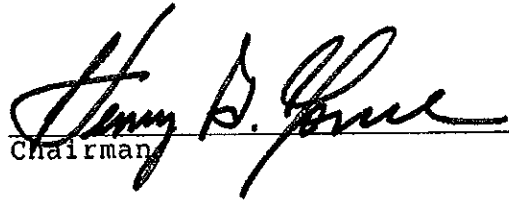
While Southern Bell contends that the corporate nature of the SCCTA prohibits it from asserting any rights on behalf of the corporate membership, it is within the Commission's discretion to determine pursuant to R.103-836(3)(a) that the facts from which the nature of the Petitioners allege right or interest can be determined is adequate. While the Commission understands that the SCCTA would be a separate legal and corporate entity from any of its members, it would seem to the Commission that allowing the SCCTA to intervene as one party as opposed to over one-hundred (100) franchised cable television systems operating in South Carolina separately intervening would be in the interest of judicial and administrative efficiency and economy. The Commission will allow the intervention of the SCCTA but will require that the SCCTA not use its separate and legal corporate entity as a improper sword or shield in relation to discovery or any information sought by Southern Bell or any other party in this matter, as well as during any aspect of this proceeding. The Commission will consider the SCCTA to be the conduit through which information will economically and efficiently pass in order that this proceeding may proceed smoothly along its course.

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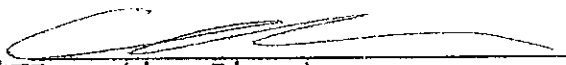
The Commission will allow the intervention of the SCCTA with the above-noted treatment. The Return in Opposition to the Petition to the Intervene filed on behalf of Southern Bell is hereby denied.

BY ORDER OF THE COMMISSION:

VICE Chairman



ATTEST:


Deputy Executive Director

(SEAL)